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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,730	03/28/2001	Tsuyoshi Yokota	81754.0057	5468
26021	7590	07/07/2005	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			ZEENDER, FLORIAN M	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/821,730	YOKOTA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	F. Ryan Zeender	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 April 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 7-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 7-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al. in view of Guheen et al. '166.

Kennedy et al. disclose an order allocation management method comprising: creating a parts order list (i.e., customer specific product request; See for example Col. 2, lines 38-52) after allocating parts existing in an inventory list (i.e., specific/generic product models) based on order information from a customer and storing the parts order list in a computer storage unit (*storage is inherent based on Kennedy's teaching of software usage*); outputting a quotation to a customer based on the parts order list (See for example Col. 4 lines 45-47); the parts order list adapted to refer each part listed on a latest inventory list (i.e., "available-to-promise" products) for order priority information indicating shipment order priority (See for example Col. 4, lines 33-36 and/or Col. 7, line 44 – Col. 8, line 15), reallocating parts having the highest priority (See for example Col. 7, lines 51-59).

Kennedy et al. lack the specific teaching of confirming the order and creating a confirmed parts list reallocating the parts having the highest priority.

Guheen et al. teach that it is well known in the art to confirm an e-commerce order and document the confirmation (via software).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kennedy et al. to confirm the order and create a reallocated confirmed parts list, in view of Guheen et al., in order to ensure that the customer has in fact made a request and that the price is satisfactory (See Guheen et al., Col. 194, lines 17-21).

Re claim 2: Kennedy et al. teach that it is well known to prioritize based on time of purchase (i.e., “first-come-first-served”; See for example Col. 7, lines 44+).

Re claim 3: Kennedy et al. teach that it is well known to prioritize based on price (See for example Col. 4, lines 57-62).

Re claim 4: This is an obvious limitation in that it is obvious that constructing a part is a priority. For example, an automobile manufacturer cannot sell a car if the manufacturer is waiting for wheels to be constructed.

Re claims 7 and 18: Kennedy et al. teach “equivalent parts” (i.e., generic products; See Col. 2, lines 42-52). The obvious design choice rejection above applies to this claim as well.

Re claims 8 and 19: This limitation would have been obvious to one of ordinary skill in the art at the time of the invention in order to know what parts need to be added to the inventory list (i.e., purchased) in order to ship the part.

Re claims 9-11, 13-15, and 20-22: These limitations are obvious design choices in how to allocate parts with the highest order priority.

***Response to Arguments***

Applicant's arguments filed April 4, 2005 have been fully considered but they are not persuasive. On page 8, last paragraph of the arguments, the applicant states that the Action admits that Kennedy does not disclose that parts are reallocated according to priority. However, this is not true. The first Action states that Kennedy et al. lack the specific teaching of “....creating a confirmed parts list reallocating the parts having the highest priority”. It is specifically the “list” that Kennedy et al. fail to disclose, in addition to confirming the order. On page 9 of the arguments, the applicant states that Kennedy does not disclose the novel parts allocation and reallocation steps resulting in a “first-come, first-served” system. However, Kennedy et al. do teach these limitations, as discussed above.

The applicant further requested a citation of prior art to support the use of an “obvious design choice”. The Examiner has provided the Guheen et al. reference for support.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3600.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and (571) 273-8300 after July 17, 2005.

F. Zeender  
Primary Examiner, A.U. 3627  
July 1, 2005

 7/1/05  
F. RYAN ZEENDER  
PRIMARY EXAMINER